IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

LA.App..No. 298 of 2002(D)

LAR.230/1998 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: 2ND CLAIMANT

CHANDRAMATHY, D/O.ACHA @ KALLIANI,
CHEVAYUR AMSOM,DESOM,MALAPARAMBA P.O.,
KOZHIKODE TALUK.

BY ADV. SRI.M.C.SEN (SR.)
SRI.M.P.SREEKRISHNAN
SMT.SHAHNA KARTHIKEYAN

RESPONDENT: RESPONDENT

THE SPECIAL TAHSILDAR,LA,NH(1)
KOZHIKODE.

BY GOVERNMENT PLEADER SRI K.V.MANOJKUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.298 of 2002-D

Dated: October 16, 2007

JUDGMENT

Kurian Joseph, J.

This is an appeal filed by the claimant in L.A.R.No.230/1998 on the file of the Sub Court, Kozhikode. The Reference Court mainly relied on Ext.A4 judgment in LAR No.550/1997. It is brought to our notice that this court has remitted the matter to the Reference Court for fresh consideration by the judgment L.A.A.No.564/2001. In that view of the matter it is not necessary to consider this appeal filed by the claimant for enhancement.

2. We set aside the judgment and decree in LAR No.230/1998 on the file of the Sub Court, Kozhikode and remit the matter to the Reference Court to be tried along with LAR No.550/1997. The parties are at liberty to adduce fresh evidence. In view of the remand as above, the appellant shall be entitled to refund of the court fee.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. No.298/2002

JUDGMENT

16.10.2007